

Delaware Paid Leave Insurance Program

Why, What, Who, and When



DELAWARE
Paid Leave

Family and Medical Leave Insurance Program

DELAWARE
DEPARTMENT OF
LABOR
Division of Paid Leave



Why: This guy



Why:

**Poor work-life balance is
one of the top reasons
people leave their jobs.**

The Muse 2023 survey; Indeed survey, 2023; Pew research, 2022



Why:

**The U.S. is experiencing
its tightest labor market
in decades.**

Why:

Delaware employers need a competitive edge.

- Maryland, New Jersey, and New York have paid family leave programs.
- Pennsylvania and over 35 other states do not have paid family leave programs.
- It's designed to help Delaware employers attract & retain quality employees.



What is

Delaware Paid Leave?

What:

First, a little history:

- 1993 — The federal Family and Medical Leave Act for businesses with 50 or more employees was signed into law.
- New Jersey began mandating paid leave in the late 40s. California had the first modern paid leave program over 20 years ago.
- May 2022 — Delaware Paid Leave was signed into law in Delaware for businesses with 10 or more employees.
- Today, 13 jurisdictions in the U.S. have paid leave programs.



What:

Four types of leave, three lines of coverage.

Delaware Paid Leave is really a bundle of separate lines of coverage:

- **Parental Leave:** To care for a new child (birth, adoption, or fostering).
- **Medical Leave:** To address the employee's own serious health condition.
- **Family Caregiver Leave:** To care for a family member (child, spouse, or parent).
- **Qualified Exigency:** To deal with issues from an overseas military deployment.
 - Family caregiver and QE coverage always go together.

What:

Delaware Paid Leave offers workers paid leave to/for:

- Care for a new child (12 weeks every year).
- Care for a family member with a serious illness or injury (6 weeks every 2 years).
- The employee's own serious health condition (6 weeks every 2 years).
- Issues that arise from an overseas military deployment (6 weeks every 2 years).

No more than 12 weeks combined in 12 months.



What:

Income-replacement benefits.

If an employee's application for leave is approved, the state will pay:

80% of their average annual weekly wages.

- **Minimum** — if 80% of their wages is less than \$100, they get 100% of their weekly wage.
- **Maximum** — no more than \$900 per week.
 - The benefit maximum will be indexed to inflation.

What:

Delaware Paid Leave will be funded by less than 1% of an employee's salary.

- Employers can have employees contribute up to 50% of the 0.8% of wages.
- Employers are responsible for the full amount.

**Who must comply
with and who is eligible
for Delaware Paid Leave?**

Who:

Delaware Paid Leave is mandatory for businesses with 10 or more employees.

1 to 9 employees

Exempt, but may opt in

10 to 24 employees

Parental leave coverage only

25+ employees

All lines of PFML coverage

Federal government, railroad workers, tribal governments, and seasonal-operation businesses (that shut down for a month or more) are exempt.



Who:

What if you have an existing paid leave program?

If your current plan is equal to or better than Delaware Paid Leave, you can apply to have your plan “grandfathered in.”

- Must be a plan that has been written and in place since the Act was signed into law.
- Can’t cost workers more than what the Act allows.
- Benefits must be comparable to what’s in the Act.

The online Grandfathering/PLD Portal will take your application.



Who:

Opt-in and opt-out options.

Opting in

Smaller employers can join Delaware Paid Leave to provide coverages that they are not required to offer their employees.

Opting out

Employers can choose to provide paid leave coverage through a private plan, either a DOI-approved insurance policy or a DOL-approved self-insured plan.

The online Opt-In/Opt-Out portal will help you through the process.



Who:

Delaware Paid Leave is for employees who:

- Work primarily in the State of Delaware;
- Have worked for you for at least the past 12 months; and
- Clocked at least 1,250 hours (@ 25 hours per week) over the last 12 months.

The online administrative system will help you track eligibility.



Who:

Claims applications are handled by the employer, to determine:

- Whether the leave qualifies under the Delaware Paid Leave program guidelines.
- How much compensation the employee should receive.
- How long the leave period should be.

The online administrative system will provide claims advice.



When does Delaware Paid Leave take effect?

When:

Key Dates:

January 1, 2024 — Last day for an employer to have an existing paid leave plan grandfathered in, or for small groups to reduce their employees' maximum parental leave duration.

December 1, 2024 — Last day to opt out of Delaware Paid Leave or for small groups to opt in.

January 1, 2025 — Contributions can begin to be assessed. Contributions and hours/wage information are collected 30 days after the end of each quarter.

January 1, 2026 — Employees are eligible for benefits, and employers can submit claims applications.



Help and Guidance



A dedicated portal:

**An online portal will be available
24/7/365 for guidance on:**

- Eligibility and enrollment
- Contribution calculation
- Claims management
- Appeals

A dedicated portal:

Training and educational material.

- Animated video clips
- How-to audio snippets
- FAQs and articles
- 24/7/365 call center with chat feature

Dedicated people:

Division of Paid Leave Director

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Thank you.



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